

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

THIS DOCUMENT RELATES TO:

**Plaintiffs' Master Administrative Long-
Form Complaint and (if applicable)
Sally Stern**
v. National Football League [et al.],
No. 2:12-cv-04117-AB

SHORT FORM COMPLAINT

**IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION**

JURY TRIAL DEMANDED

SHORT FORM COMPLAINT

1. Plaintiff(s), Sally Stern, (and, if applicable, Plaintiff's Spouse) _____, bring(s) this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL No. 2323.

2. Plaintiff (and, if applicable, Plaintiff's Spouse) is/are filing this short form complaint as required by this Court's Case Management Order No. 2, filed April 26, 2012.

3. Plaintiff (and, if applicable Plaintiff's Spouse), incorporate(s) by reference the allegations (as designated below) of the Master Administrative Long-Form Complaint, as may be amended, as if fully set forth at length in this Short Form Complaint.

4. [Fill in if applicable] Plaintiff is filing this case in a representative capacity as the Personal Representative of the Estate of Andrew Miketa, having been duly appointed as the Personal Rep. by the Probate Court of Mason Cty., Michigan. (Cross out sentence below if not applicable.) Copies of the Letters of Administration/Letters Testamentary for a wrongful death claim are annexed hereto if such Letters are required for the commencement of such a claim by the Probate, Surrogate or other appropriate court of the jurisdiction of the decedent.

5. Plaintiff, Sally Stern, is a resident and citizen of Michigan and claims damages as set forth below.

6. [Fill in if applicable] Plaintiff's spouse, _____, is a resident and citizen of _____, and claims damages as a result of loss of consortium proximately caused by the harm suffered by her Plaintiff husband/decedent.

7. On information and belief, the Plaintiff (or decedent) sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. On information and belief, Plaintiff suffers (or decedent suffered) from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the Plaintiff (or decedent) sustained during NFL games and/or practices. On information and belief, the Plaintiff's (or decedent's) symptoms arise from injuries that are latent and have developed and continue to develop over time.

8. [Fill in if applicable] The original complaint by Plaintiff(s) in this matter was filed in U.S. Dist. Ct. E.D. of Pennsylvania. If the case is remanded, it should be remanded to U.S. Dist. Ct. E.D. of Pennsylvania.

9. Plaintiff claims damages as a result of [check all that apply]:

- ☐ Injury to Herself/Himself
- ☒ Injury to the Person Represented
- ☒ Wrongful Death
- ☒ Survivorship Action
- ☒ Economic Loss
- ☒ Loss of Services
- ☒ Loss of Consortium

10. [Fill in if applicable] As a result of the injuries to her husband,

_____, Plaintiff's Spouse, _____, suffers from a
loss of consortium, including the following injuries:

- ☐ loss of marital services;
- ☐ loss of companionship, affection or society;
- ☐ loss of support; and
- ☐ monetary losses in the form of unreimbursed costs she has had to expend for the health care and personal care of her husband.

11. [Check if applicable] ☐ Plaintiff (and Plaintiff's Spouse, if applicable)
reserve(s) the right to object to federal jurisdiction.

DEFENDANTS

12. Plaintiff (and Plaintiff's Spouse, if applicable) bring(s) this case against the following Defendants in this action [check all that apply]:

- ☒ National Football League
- ☒ NFL Properties, LLC
- ☐ Riddell, Inc.
- ☐ All American Sports, Inc. (d/b/a Riddell Sports Group, Inc.)
- ☐ Riddell Sports Group, Inc.
- ☐ Easton-Bell Sports, Inc.
- ☐ Easton-Bell Sports, LLC
- ☐ EB Sports Corporation
- ☐ RBG Holdings Corporation

13. [Check where applicable] As to each of the Riddell Defendants referenced above, the claims asserted are: ☐ design defect; ☐ informational defect; ☐ manufacturing defect.

14. [Check if applicable] ☐ The Plaintiff (or decedent) wore one or more helmets designed and/or manufactured by the Riddell Defendants during one or more years Plaintiff (or decedent) played in the NFL and/or AFL.

15. Plaintiff played in [check if applicable] ☒ the National Football League ("NFL") and/or in [check if applicable] ☐ the American Football League ("AFL") during

1954-1955 _____ for the following teams: Detroit Lions

_____.

CAUSES OF ACTION

16. Plaintiff herein adopts by reference the following Counts of the Master Administrative Long-Form Complaint, along with the factual allegations incorporated by reference in those Counts [check all that apply]:

- ☒ Count I (Action for Declaratory Relief – Liability (Against the NFL))
- ☐ Count II (Medical Monitoring (Against the NFL))
- ☒ Count III (Wrongful Death and Survival Actions (Against the NFL))
- ☒ Count IV (Fraudulent Concealment (Against the NFL))
- ☒ Count V (Fraud (Against the NFL))
- ☒ Count VI (Negligent Misrepresentation (Against the NFL))
- ☒ Count VII (Negligence Pre-1968 (Against the NFL))
- ☐ Count VIII (Negligence Post-1968 (Against the NFL))
- ☐ Count IX (Negligence 1987-1993 (Against the NFL))
- ☒ Count X (Negligence Post-1994 (Against the NFL))

- ☐ Count XI (Loss of Consortium (Against the NFL and Riddell Defendants))
- ☒ Count XII (Negligent Hiring (Against the NFL))
- ☒ Count XIII (Negligent Retention (Against the NFL))
- ☐ Count XIV (Strict Liability for Design Defect (Against the Riddell Defendants))
- ☐ Count XV (Strict Liability for Manufacturing Defect (Against the Riddell Defendants))
- ☐ Count XVI (Failure to Warn (Against the Riddell Defendants))
- ☐ Count XVII (Negligence (Against the Riddell Defendants))
- ☒ Count XVIII (Civil Conspiracy/Fraudulent Concealment (Against ~~All~~ the NFL Defendants))

17. Plaintiff asserts the following additional causes of action [write in or attach]:

PRAYER FOR RELIEF

WHEREFORE, Plaintiff (and Plaintiff's Spouse, if applicable) pray(s) for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. For punitive and exemplary damages as applicable;
- C. For all applicable statutory damages of the state whose laws will govern this action;
- D. For medical monitoring, whether denominated as damages or in the form of equitable relief;
- E. For an award of attorneys' fees and costs;
- F. An award of prejudgment interest and costs of suit; and
- G. An award of such other and further relief as the Court deems just and proper.

JURY DEMANDED

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff(s) hereby demand(s) a trial by jury.

Dated: August 3, 2012

RESPECTFULLY SUBMITTED:

/s/ Anthony Tarricone

Anthony Tarricone
KREINDLER & KREINDLER, LLP
277 Dartmouth Street
Boston, MA 02116
Telephone: (212) 687-8181
Email: atarricone@kreindler.com

STATE OF MICHIGAN PROBATE COURT COUNTY OF MASON	ORDER APPOINTING SPECIAL PERSONAL REPRESENTATIVE	FILE NO. 12- <u>132</u> -DE
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Estate of Andrew John Miketa, Deceased

THE COURT FINDS:

1. Decedent died April 4, 2010.
2. It is represented by Petitioner that Decedent died intestate and a resident of Mason County, Michigan.
3. Based on Petitioner's representations, venue is proper.
4. MCL Section 700.3614(b) permits the appointment of a special personal representative without notice to the other parties when an emergency exists.
5. It is represented by the Petitioner that:
 - (a) Andrew John Miketa played professional football in the 1950s as a member of the Detroit Lions and suffered concussions and other injuries, the result of which is to entitle his estate to damages.
 - (b) Upon appointment of Petitioner as special personal representative, Petitioner intends to file a lawsuit in the United States District Court for the Eastern District of Pennsylvania seeking damages on behalf of the estate, and the case will thereafter be consolidated with other cases in the Eastern District of Pennsylvania as part of multi-district litigation involving National Football League players concussion injuries.
 - (c) A tolling agreement between the National Football League and plaintiffs counsel in multi-district litigation will treat cases filed on or before July 23, 2012, as filed in February 2012, and filing the lawsuit after the deadline set forth in the tolling agreement will jeopardize the estate's ability to recover damages.
 - (d) The other persons with equal priority to appointment as general personal representative live in North Carolina and Virginia, and that it is not possible to appoint a general personal representative for the estate and still file the lawsuit in the United States District Court for the Eastern District of Pennsylvania prior to the deadline set forth in the tolling agreement.
6. Due to these facts, it appears that an emergency exists and a special personal representative should be appointed.
7. Sally Stern is a proper person to serve as special personal representative.

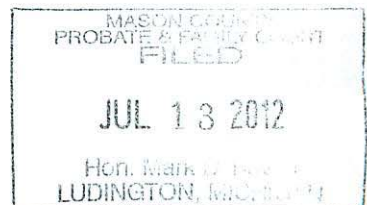
I certify that I have compared this copy with the original on file in this court & that it is a correct copy of the whole of such original

JUL 13 2012

Mason County Probate Court
Ludington Michigan

By

Cathy S. Hule



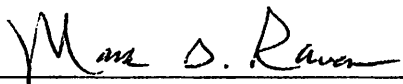
IT IS ORDERED:

A. Sally Stern is appointed special personal representative with all powers of a general personal representative. Upon filing a statement of acceptance, letters shall be issued to her, without filing of bond.

B. A hearing on Petitioner's request for an Order of Formal Proceedings adjudicating intestacy, determining heirs, and appointing Sally Miketa Stern as general personal representative pursuant to MCL Section 700.3402(2) shall be on held on August 2, 2012, at 10:00 a.m. at 304 East Ludington Avenue, Ludington, Michigan before the Honorable Mark D. Raven (P33625).

C. A copy of this Order shall be served upon all persons named as heirs and interested persons in the Petition.

Dated: July 13, 2012


Mark D. Raven, Judge of Probate [P33625]

Warner Norcross & Judd LLP
Mark K. Harder [P44373]
85 E. Eighth Street, Suite 310
Holland, MI 49423
Telephone: 616-396-9800
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Approved, SCAO

JIS CODE: LET

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF MASONLETTERS OF AUTHORITY FOR
SPECIAL PERSONAL REPRESENTATIVE

FILE NO.

12- 132 -DEEstate of Andrew John Miketa, deceased

TO:

Name and address

Sally Miketa Stern
602 E. Loomis Street
Ludington, MI 49431

Telephone no.

(231) 690-9045

You have been appointed and qualified as special personal representative of the estate on July 13, 2012.
Date

You are authorized to perform all acts authorized by law unless exceptions are specified below.

[] Your authority is limited in the following way:

[] You have no authority over the estate's real estate or ownership interests in a business entity that you identified on your acceptance of appointment.


[] Other restrictions or limitations are:

[] These letters expire: _____

Date

July 13, 2012

Date



Mark D. Raven, Judge of Probate

Bar No. P-33625

SEE NOTICE OF DUTIES ON SECOND PAGE

Warner Norcross & Judd LLP

Mark K. Harder

P44373

Attorney name (type or print)

Bar no.

85 E. Eighth Street, Ste. 310

Address

Holland, MI 49423

(616) 396-9800

City, state, zip

Telephone no.

I certify that I have compared this copy with
the original on file in this court & that it is a
correct copy of the whole of such original

JUL 13 2012

I certify that I have compared this copy with the original on file and that it is a correct copy of the original, and on this date, these letters are in full force and effect.

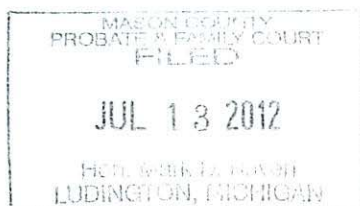
Mason County Probate Court
Ludington MichiganBy 

Deputy Register

Date

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Do not write below this line - For court use only

MCL 700.3103, MCL 700.3307, MCL 700.3414,
MCL 700.3504, MCL 700.3601,